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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,185	12/28/2001	Georg Weihrauch	19071.6	1320
7590 03/18/2004				
Lichti Lempert & Lasch Bergwaldstr 1 Karlsruhe, D-76227 GERMANY			EXAMINER KUHN, ALLAN R	
			ART UNIT 1732	PAPER NUMBER

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,185

Applicant(s)

WEIHRAUCH, GEORG

Examiner

Allan Kuhns

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-22, 24-26, 28-36 and 38-41 is/are rejected.
- 7) ☒ Claim(s) 23,27 and 37 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/28/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.Claims 21-22, 24-26, 28-36 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (5,987,688) in view of Japanese reference 10-286122. Roberts et al. disclose or suggest the basic claimed method for the manufacture of a multi-layer bristle material including co-extruding a core and a layer covering the core (column 4, lines 53-57). The core layer of Roberts et al. mainly determines a bending behavior of the bristle since it is relatively stiff, and the covering layer mainly determines the brushing behavior of the bristle since it is located toward the outside of the bristle. Roberts et al. appear not to teach the aspect of applying a continuous material to the outer part of the bristle and embedding or implanting the continuous material into the outer part of the bristle but such is taught by the Japanese reference. It would have been obvious to one of ordinary skill in the art to incorporate this teaching of the Japanese reference into the method of Roberts et al. in order to provide the bristles with sufficient stiffness to remain erect. It is sufficient that the wire used in the process of the Japanese reference possesses sufficient pre-tensioning. It is well known to cause plastics to be in at least in a partially softened state when implanting or embedding material in the plastic and such would have been obvious to one of ordinary skill in the art in order to facilitate the embedding of the wire material of the Japanese reference into the bristle.

The material used by the prior art relied upon is capable of being reactivated, as in claim 22. Roberts et al. teach or suggest drawing, as in claims 24-25 (note the drawing godet in fig. 5). The Japanese reference teaches post treatment, as in claims 26 and claims 28-30, by applying a nylon covering material, and teaches the winding or looping, as in claims 31-32. It is submitted that the nylon covering material applied during the process of the Japanese reference is absorbing or absorbent, as in claim 33.

The prior art relied upon teaches or suggests the structure of claim 34 and Roberts et al. describe the use of materials having the characteristics of those recited in claims 35-36 at column 4, lines 22-67. The uses of claims 38-40 are well known and conventional for brushes and so using them in the claimed manners would have been obvious to one of ordinary skill in the art in order to either clean or apply material to a substrate.

3. Claims 23, 27 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on (571) 272-1196. The fax phone

Art Unit: 1732

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ALLAN R. KUHN
PRIMARY EXAMINER AU 1732

3-9-04